

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: STEEL ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO ALL
DIRECT PURCHASER ACTIONS:

Case No. 08-cv-5214
Honorable James B. Zagel

Standard Iron Works v. ArcelorMittal, et al.,
Case No. 08-cv-5214

Wilmington Steel Processing Co., Inc. v.
ArcelorMittal, et al., Case No. 08-cv-5371

Capow, Inc. d/b/a Eastern States Steel v.
ArcelorMittal, et al., Case No. 08-cv-5633

Alco Industries, Inc. v. ArcelorMittal, et al.,
Case No. 08-cv-6197

Gulf Stream Builders Supply, Inc. v.
ArcelorMittal, et al., Case No. 10-cv-4236

**IPSCO TUBULAR, INC. AND NEWPORT STEEL’S OPPOSITION TO
PLAINTIFFS’ MOTION TO DISTRIBUTE SETTLEMENT FUNDS**

IPSCO Tubular, Inc. (Claim No. 358) and Newport Steel (Claim No. 1001864) jointly oppose Plaintiffs’ Motion to Distribute Settlement Funds as each of their claims was improperly rejected. Both IPSCO Tubular and Newport Steel make only tubular products – which have been expressly excluded from the class – thus denial of their claims is improper and frustrates the very purpose of the class definition.

**I. IPSCO TUBULAR AND NEWPORT STEEL RECEIVED NO BENEFIT FROM
THE CARTEL’S ALLEGED PRICE-FIXING IN THIS MATTER**

IPSCO Tubular and Newport Steel were acquired by SSAB in July 2007, near the end of the class period, and were then both divested in 2008. It is important to recognize that the

portion of IPSCO Tubular and Newport Steel's business that was briefly held by SSAB pertained only to tubular products. As all parties to this settlement agree that tubular products are not part of Defendants' alleged antitrust violations, IPSCO Tubular and Newport Steel's sales of their tubular products business to SSAB should neither raise concern for the Court that they were co-conspirator in the alleged price-fixing of qualifying steel products, nor preclude IPSCO Tubular and Newport Steel from pursuing compensation for qualifying non-tubular purchases from Defendants.

Neither IPSCO Tubular nor Newport Steel ever made the steel products at issue in this case; they were consumers of such products and were harmed by Defendants' alleged conduct. At no time did IPSCO Tubular or Newport Steel receive any benefit from the cartel's alleged action in this matter. Plaintiffs have provided no evidence to the contrary. IPSCO Tubular and Newport Steel's claims should, therefore, be allowed to proceed.

At a minimum, qualifying purchases made by these entities prior to their acquisition by SSAB should be deemed eligible for compensation.

II. Distribution of settlement funds should be stayed pending resolution of SSAB's STATUS AS A DEFENDANT

As SSAB's status as a Defendant in this action remains unresolved, excluding claims from IPSCO Tubular and Newport Steel on the sole ground that they are barred from recovery as former subsidiaries of SSAB is patently premature. For the foregoing reasons, the claims by IPSCO Tubular and Newport Steel should be allowed to proceed regardless of SSAB's status as a Defendant. If, however, SSAB is later dismissed from this action, there should be no bar whatsoever to IPSCO Tubular and Newport Steel's claims.

Thus, IPSCO Tubular and Newport Steel respectfully request that a portion of the settlement funds sufficient to pay their claims be set aside as a reserve from any distribution to

be made at this time, and distribution of the reserved funds be stayed until resolution of SSAB's status as a Defendant is resolved.

Dated: September 28, 2015

Respectfully submitted,

/s/ Deborah E. Arbabi

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CERTIFICATE OF SERVICE

I hereby certify on this 25th day of September, 2015, I caused a true and correct copy of the foregoing **IPSCO TUBULAR, INC. AND NEWPORT STEEL'S OPPOSITION TO PLAINTIFFS' MOTION TO DISTRIBUTE SETTLEMENT FUNDS** to be filed and served electronically via the Court's CM/ECF system upon all registered users.

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